

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.	)	
a Massachusetts Corporation	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-12457 PBS
	)	
Arthrex, Inc.	)	
a Delaware Corporation	)	
	)	
Defendant.	)	
	)	

**NOTICE OF WITHDRAWAL OF  
MOTION TO EXTEND TIME FOR FILING RESPONSE TO DEPUY MITEK, INC.'S  
MOTION TO PRECLUDE ARTHREX, INC AND PEARSALLS, LTD. FROM  
SUPPLEMENTING THEIR EXPERT REPORTS AND DEPOSITIONS**

Defendants Arthrex, Inc. (“Arthrex”) and Pearsalls, Ltd. (“Pearsalls”) (together, “defendants”) hereby withdraw their motion to extend the time for filing a response to DePuy Mitek, Inc.’s (“DePuy Mitek’s”) motion to preclude Arthrex and Pearsalls from supplementing their expert reports and depositions until August 30, 2006. The parties subsequently met and conferred on August 21, 2006, and agreed to extend the date for responding until Monday, August 28, 2006. Accordingly, the motion filed on August 21, 2006, is now mooted. A separate unopposed motion is being filed today that will reflect the agreement between the parties to extend the date for responding until Monday, August 28, 2006.

Dated: August 22, 2006

Respectfully submitted,

By:           /s/Salvatore P. Tamburo            
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Counsel for Defendants  
Arthrex, Inc. and Pearsalls Ltd.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF WITHDRAWAL OF MOTION TO EXTEND TIME FOR FILING RESPONSE TO DEPUY MITEK, INC.'S MOTION TO PRECLUDE ARTHREX, INC AND PEARSALLS, LTD. FROM SUPPLEMENTING THEIR EXPERT REPORTS AND DEPOSITIONS, Memorandum in support thereof and proposed Order were served, via the Court's email notification system on the following counsel for Plaintiff on the 22nd day of August 2006:

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